ANTONIA TOLBERT, et al.
v.
MONSANTO COMPANY;
PHARMACIA, INC., and SOLUTIA,
INC.
STEVEN J. MOELLER
July 15, 2003
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Page 1
IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION
ANTONIA TOLBERT, et al.,
Plaintiffs, CIVIL ACTION NO.
vs. CV-01-C-1407-S
MONSANTO COMPANY;
PHARMACIA, INC., and
SOLUTIA, INC.,
Defendants.
* * * * * *
DEPOSITION OF STEVEN J. MOELLER
VOLUME I,
taken pursuant to notice and stipulation
on behalf of the Plaintiffs Antonia
Tolbert, et al., in the Law Offices of
Lightfoot, Franklin & White, The Clark
Building, 400 20th Street North,
Birmingham, Alabama, before Angela Abbott
Blankenship, Certified Shorthand Reporter
and Notary Public in and for the State of
Alabama at Large, on July 15, 2003,
commencing at 10:00 a.m.
Page 4 Page 2
1 INDEX
23
EXAMINATION PAGE
4 By Mr. Davis . . . . . 4
5 PLAINTIFFS' EXHIBITS:
6 PX-1 - Deposition Notice for Steven J.
7 Moeller 5
8 PX-2 - Curriculum Vitae of Steven J.
9 Moeller 20
10 Draft of a map done for
11 Solutia by Golder generated April
12 16, 2002 79
13 * * * * * * * *
14 STEVEN J. MOELLER, of lawful
15 age, having first been duly sworn,
16 testified as follows:
17 EXAMINATION

18 BY MR. NORRIS:
1 APPEARANCES
2 FOR THE PLAINTIFFS:
3 JOHN E. NORRIS, ESQUIRE
4 DAVIS & NORRIS
5 One Highland Place
6 2151 Highland Avenue, Suite 100
7 Birmingham, Alabama 35205
8 FOR THE DEFENDANTS:
9 KEVIN CLARK, ESQUIRE
10 Lightfoot, Franklin & White, L.L.C
11 The Clark Building
12 400 20th Street North
13 Birmingham, Alabama 35203-3200
14 * * * * * *
15 STIPULATIONS
16 It is stipulated and agreed by
17 and between counsel representing the
18 parties that the deposition of STEVEN J.
19 MOELLER may be taken before Angela Abbott 19 Q. State your name for the record,
20 Blankenship, Certified Shorthand Reporter
21 and Notary Public in and for the State of
22 Alabama at Large, without the formality
23 of a commission; and all formality with
20 please, sir.
21 A. Steve Moeller.
22 Q. And what is your address, Mr.
23 Moeller?
Page 5 Page 3
1 A. Work address or home address?
2 Q. Let's start with your work address.
3 A. 3730 Chamblee Tucker Road.
4 Q. And what is your home address?
1 respect to other procedural requirements
2 is waived; that objections to questions,
3 other than objections as to the form of
4 the question need not be made at this
5 time, but may be reserved for a ruling at
6 such time as the deposition may be
5 A. 4877 Cedarwood Drive.
6 Q. And where is that, Cedarwood Drive?
7 A. It's in Atlanta.
8 Q. What's the zip code?
7 offered in evidence or used for any other
8 purpose by either party as provided by
9 the Federal Rules of Civil Procedure.
10 It is further stipulated and
11 agreed by and between the parties hereto
12 and the witness, that the signature of
13 the witness to this deposition is hereby
14 waived.
15 * * * *
16
17

18
19
20
21
22
23
9 A. 30047.
10 Q. Okay. Mr. Moeller, you and I have
11 met briefly before over at your offices,
12 but as a formal matter, let me introduce
13 myself. My name is Johnny Norris and I
14 represent the plaintiffs in the Tolbert
15 litigation against Monsanto, Pharmacia,
16 and Solutia and I have my law clerk,
17 Kitty Rogers, here with me who's
18 observing us today.
19 (Whereupon, Plaintiffs' Exhibit
20 No. 1 was marked for
21 identification, a copy of
22 which is attached to the
23 deposition.)

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1 And as I understand it, you are
2 appearing here today pursuant to various
3 notices of deposition that have been
4 directed to the defendants in this case
5 and the last one of which does not
6 contain an accurate date because we
7 changed it yet again, I'm going to show
8 it to you marked as Plaintiffs' Exhibit
9 No. 1. You understand that you have been
10 designated by the defendants in this case
11 as a fact witness who may testify on
12 behalf of the defendants at the trial of
13 this case; is that right?
14 A. That's correct.
15 Q. And as I understand it, you are
16 appearing here today pursuant to that
17 notice of deposition that I am showing
18 you that is marked as Plaintiffs' No. 1;
19 is that your understanding?
20 A. That's correct.
21 Q. Attached to that under what we call
22 Rule 30 (b)(5) of the Federal Rules of
23 Civil Procedure, there is a document
Page 7
1 request and if you could review -- take a
2 look at that and tell me if you have ever
3 seen the document request that's
4 attached, I believe, as an exhibit to
5 Exhibit No. 1.
6 A. (Examining document.) Yes, I have
7 seen this.

8 Q. When did you first see that?
9 A. I don't recall. Four weeks ago or
10 three weeks ago.
11 Q. And as I understand it, just to go
12 through a little bit of history here,
13 there was a document production that took
14 place at your offices in Atlanta that I
15 attended on June 27th; correct?
16 A. I'm trying to think of the date. I
17 can't confirm the date.
18 Q. The first time you saw me in your
19 office?
20 A. That's correct.
21 Q. And then there was another document
22 production that was last week and it was
23 on the 10th, July 10th; correct?
Page 8
1 A. Yes, the second time you were out
2 there.
3 Q. And as I understand it, in addition
4 to the documents that were produced to me
5 on June 27th and the documents that were
6 produced to me on July 10th, that today,
7 we have an additional box of documents
8 that are being produced pursuant to the
9 Rule 30(b)(5) request?
10 A. That's correct.
11 Q. And they're all in this green box
12 here that's sitting on the table in front
13 of us; right?
14 MR. CLARK: Let me go on the
15 record real quick, and
16 it's just a procedure
17 point: he's not appearing
18 as a 30(b)(5) or 30
19 (b)(6) witness, but he is
20 responding to the document
21 request and these
22 documents are being
23 produced as a result of
Page 9
1 that. (To the witness:)
2 You can answer.
3 A. That's correct.
4 Q. Are there any other documents that
5 you know of other than the documents that
6 were produced to me on June 27th and the
7 documents that were produced to me on
8 July 10th and the documents that are
9 being produced to me for the first time
10 this morning, do you know of any other
11 documents and the electronic data that is
12 going to be provided to us?
13 A. Right.

14 Q. Do you know of any other documents
15 that is in the possession, custody, or
16 control of Golder Associates that's
17 responsive to that document request?
18 A. The -- would Jacksonville?
19 MR. CLARK: Yes.
20 Q. There could be some in Jacksonville
21 A. And what documents could there be in
22 Jacksonville?
23 A. I'm not sure. We've got a member


1 too that works in Jacksonville.
2 Q. Who is that?
3 A. Don Miller.
4 Q. When you say a member?
5 A. Employee with Golder Associates.
6 Q. Do you call him like a team member
7 or something like that?
8 A. Well, employee. A member of the
9 company.
10 Q. And this is somebody who is engaged
11 in working on the various projects going
12 on at the Anniston PCB site?
13 A. That's correct.
14 Q. And I take it, then, that Mr. Miller
15 may have some documents that he maintains
16 that pertain to Golder's work for Solutia
17 and Monsanto at the Anniston PCB site; is
18 that right?
19 A. It's possible.
20 Q. Have you made any inquiries of Mr.
21 Miller as to whether he maintains or has
22 retained any such documents?
23 A. He's out of town. He's been out of

1 town for a couple of weeks. He gets back
2 in a few days.
3 Q. Are there any documents that you're
4 aware of that are responsive to the
5 document request sitting in front of you
6 that are maintained at Golder's Atlanta
7 offices other than what has been produced
8 to me in the two document productions
9 that we've described, the box that's
10 sitting here in front of me, or the
11 electronic data that has been promised to
12 us?
13 A. There is probably some -- maybe what
14 people are currently working on on their
15 computers.
16 Q. Not having had an opportunity to
17 review the documents that you are
18 producing here today for the first time,

let me ask you this: are there any documents that are copies of E-mails that were either sent by or to Golder personnel that relate to the Anniston PCB projects?

Page 12

A. In those boxes?
Q. Yes.
A. Yes, there is.
Q. Tell me what efforts were made to obtain copies of relevant E-mail traffic relating to the Anniston PCB project that was either sent to or by Golder Associates personnel?
A. Asking people what they had. Finding what I had.
Q. What people did you ask?
A. Gina Monroy.
Q. Can you spell that last name?
A. M-o-n-r-o-y.
Q. Okay, who else?
A. Gail Macolly.
Q. How do you spell that last name?
A. M-a-c-o-l-l-y.
Q. Who else?
A. John Swart.
Q. Spell that last name.
A. S-w-a-r-t. Claudia Moeller.
Q. Is Ms. Moeller related to you?

Page 13

A. Yes, she is.
Q. How is that?
A. She's my wife.
Q. Who else?
A. I think that's it.
Q. And what were they asked to do, these four people and yourself, that looked for relevant E-mails?
A. I asked ask them whatever -- the request, the specific request was to go through their office and whatever they have in files or E-mails or whatever they've kept, to give those to me to make copies of and bring them with me.
Q. Did that include looking on either Golder's computer system or on their computer to see if they retained any electronic copies of E-mails?
A. It included pulling active ones off their computer system, but not any sort of backup or archive, if that exists.
Q. What is your E-mail address?
A. Smoeller@golder.com.

Page 14
1 Q. Now, the E-mails that we're talking
2 about, they would have been sent to
3 similar addresses on behalf of Ms.
4 Monroy; is that right?
5 A. Yes, Monroy, yes.
6 Q. Ms. Macolly, Mr. Swart, and Ms.
7 Moeller at Golder.com; is that right?
8 A. It would be their first initial,
9 their last name, and then @golder.com.
10 Q. Where is the E-mail server that
11 Golder uses to maintain these E-mail
12 addresses maintained?
13 A. Either Atlanta or Seattle.
14 Q. I take it that there is an E-mail
15 server that is essentially maintained as
16 opposed to people maintaining personal
17 E-mails on their own personal computer
18 desktops; is that right?
19 A. I don't know.
20 Q. Who would know that at Golder
21 Associates?
22 A. I guess Brian Rowson in Seattle. I
23 don't know if the people in Atlanta would
Page 15
1 know it or not.
2 Q. When you sit down to access your
3 E-mail, how do you do it?
4 A. We're hooked into a main line and I
5 hit Outlook and it comes up.
6 Q. But you don't know technically how
7 your computer is hooked into the central
8 system?
9 A. I mean kind of.
10 Q. Tell me what your understanding of
11 it is.
12 A. I've got a log-in to our system.
13 Q. Do you know whether the system is
14 regularly backed up or archived?
15 A. I do not know.
16 Q. Do you know whether there is some
17 sort of maintenance program where archive
18 materials are either maintained for a
19 certain period of time or destroyed after
20 a certain period of time has elapsed?
21 A. I do not know.
22 Q. Mr. Rowson might know the answer to
23 that?
Page 16
1 A. Yes.
2 Q. Is that R-o-s-s-o-n?
3 A. I'm not sure. I think it's R-o-w,,
4 but I'm not positive.
5 Q. Have you made any inquiries to

6 determine the feasibility of searching
7 the archives for E-mails relating to the
8 Monsanto and Solutia projects?
9 A. No.
10 Q. Have you been asked to do that?
11 A. No.
12 Q. Are you represented by counsel here
13 today?
14 MR. CLARK: Yes.
15 MR. NORRIS: I'm asking him the
16 question, not you.
17 A. Can I ask Kevin a question?
18 Q. No. Is it your understanding -- are
19 you represented by counsel here today?
20 A. I'm not sure.
21 Q. Okay, fair enough. Tell me what you
22 did to get ready for your deposition here
23 today.
Page 17
1 A. Not much. I mean, I talked to Kevin
2 on the phone for a little bit yesterday.
3 Q. Okay. What did y'all talk about?
4 A. He explained to me the -- that I was
5 originally going to be potentially a
6 witness to talk about some of the maps
7 and stuff that, I guess, they're using
8 for evidence and that it looks like that
9 potentially it could go into a lot more
10 based on the amount of time that you
11 allotted for today and so forth.
12 Q. And you're just talking about the
13 scope of the deposition here today?
14 A. Yes.
15 Q. Did you talk about what you might
16 potentially testify to at the trial of
17 this case?
18 A. Yes, and that had come up before. I
19 mean, potentially some of the exhibits
20 that were produced.
21 Q. Anything else? When I say anything
22 else, let me back up just a second. I
23 take it that you've had a number of
5 (Pages 14 to 17)
Page 18
1 discussions with the defendants' lawyers
2 in the case concerning the fact that you
3 might testify eventually at the trial of
4 this case; is that a fair statement?
5 A. Say that one more time.
6 Q. I take it that you've had a number
7 of discussions with either Mr. Clark or
8 some other lawyer representing the
9 defendants in this case about the fact
10 that you might potentially be a witness

in this case?
A. I haven't had a number of them.
Q. How many discussions have you had relating to that topic?
A. Not many.
Q. How many would you say? Less than five?
A. Definitely less than five.
Q. Okay. Who have you talked to, just Mr. Clark, or have you talked to some other attorneys from either the Smith Moore firm or the Lightfoot firm or any other law firms representing the

Page 19

defendants?
A. I've talked to Kevin and I've talked to Buddy, but I don't think we've -- I don't think that's been discussed. I don't know if that's been discussed.
Q. Tell me, based on all the discussions you have had with either lawyers representing the defendants or either personnel that are not lawyers that work for Solutia or that used to work for Monsanto or that work for Pharmacia, based on any of those discussions, what is your understanding as to what you will be testifying to at the trail of this case?
A. Just simply how some of the maps were put together, some of the exhibits were put together.
Q. And then that brings me back to the original question which is, based on all those things that I just talked about, do you have an understanding that you'll be asked to testify about anything else?

Page 20

A. Not that I'm aware of.
(Whereupon, Plaintiff's Exhibit No. 2 was marked for identification, a copy of which is attached to the deposition.)
Q. Now, this is the part of the deposition where the law clerks in the room are probably going to want to go to sleep. This is where I want you and me to talk for a little bit about your experience and educational background. I'm going to show you Plaintiff's Exhibit No. 2 to your deposition, and as I understand it, it was sent to me by counsel for defendants

17 and it was represented to me to be the
18 most recent version of your curriculum
19 vitae; correct?
20 A. That's correct.
21 Q. All right, now, I'm handing you that
22 simply so that you have something to
23 refer to in answering my questions and
Page 21
1 feel free to refer to that when I ask you
2 these questions. Tell me, where are you
3 from originally, Mr. Moeller?
4 A. Milwaukee, Wisconsin.
5 Q. And when did you leave Milwaukee?
6 A. First grade.
7 Q. Where else have you lived?
8 A. Mostly in Atlanta.
9 Q. And you have an undergraduate degree
10 in engineering; is that right?
11 A. That's correct.
12 Q. Bachelor of Chemical Engineering; is
13 that what a B.C.E. is?
14 A. Civil engineering.
15 Q. Did you have any particular
16 concentration or area of specialization
17 in your undergraduate background other
18 than just civil engineering?
19 A. Not in my undergraduate.
20 Q. And tell me about your graduate
21 work.
22 A. I got a graduate degree in tech and
23 civil.
6 (Pages 18 to 21)
Page 22
1 Q. And could you elaborate?
2 A. Geotechnical engineering and civil
3 engineering.
4 Q. And you got that at?
5 A. Georgia Tech as well.
6 Q. What is geotechnical engineering?
7 A. It's soils and foundations
8 engineering.
9 Q. Now, I guess I know what soils are,
10 but I'm not too clear on foundations.
11 What does that mean?
12 A. A foundation is a building.
13 Foundations, yeah, piles, footings,
14 things like that.
15 Q. Fair enough. What, typically, does
16 a master's degree in geotechnical
17 engineering prepare you to do?
18 A. To do, I mean civil geotechnical
19 engineering.
20 Q. Generally speaking, what does a
21 civil geotechnical engineer do?

A. Dams, landfills, foundations, and almost all geotech companies have gotten

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into environmental engineering.
Q. All right, let's talk a little bit about that last statement you made which is all geotechnical companies have gotten into environmental engineering. What is your understanding of what environmental engineering is?
A. My understanding of -- well, it's a variety. I mean, there's -- environmental engineering is, to me, I consider part of, you know, water waste, water treatment, environmental engineering -- there's a lot of cross-disciplines, I mean, geotechnical, environmental, there's a lot of cross-disciplines where, you know, contamination in soil, contamination in groundwater.
Q. Generally speaking, what is the relevance of geotechnical engineering to environmental engineering?
A. What is the --
Q. How do they cross over? What's the

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intersection between those two disciplines?
A. I've never pondered that question. You know, in environmental remediation, for instance, a lot of the same procedures and technical expertise is required, I mean, you know, depending on the type of remediation. I mean, if you get into any kind of, you know, certain remediation areas, there may not be as much of a cross, but a lot of remediation, you know, landfilling or capping materials in place, excavation, those kinds of things all go hand in hand with what you do in geotechnical engineering.
Q. In either your undergraduate study or graduate school at Georgia Tech, did you receive any training in environmental engineering?
A. Certainly, as an undergraduate, you take an -- any undergraduate coming out with -- I shouldn't say any. I may not

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need to be so broad there. Most of the undergrads come out with a civil engineering degree, they're trained

across the board in civil engineering. I mean they take classes in structural, environmental, geotechnical.
Q. What about graduate school? Did you do anything related to environmental engineering in your geotechnical degree?
A. Certainly, some of the classes had environmental aspects to them.
Q. Did you receive any training in how to design a remediation?
A. You've got to be more specific. I mean, that's very broad.
Q. Well, would you be qualified, based on your training in school, to design a surface soil remediation project?
A. Certainly, some I would and some I wouldn't.
Q. What would be the distinguishing factor between the ones you would and the ones you wouldn't?



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A. For me, it would have to be more with -- if it involved more treatment aspects.
Q. Can you elaborate on that a little bit more? If it involved more treatment aspects, would that mean you would be able to --
A. No, I would not. My background in the chemical treatment would not be -- I would be less apt to be able to design those.
Q. Your expertise, then, would be more in the area of removal of solid waste or of designing caps to put over solid waste and that kind of thing; is that right?
A. That's correct.
Q. Do you have any expertise in remediating contaminated groundwater?
A. Some.
Q. What is that?
A. Again, it's in school. It was part of the components you deal with in geotechnical engineering.

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Q. In graduate school?
A. Yes, and in undergrad as well. I mean, undergrad, it's the broad -- you go through the broad spectrum and you --
Q. Go ahead.
A. That's it.
Q. Do you have any expertise in the toxicity of various chemicals?

A. No, not specifically.
Q. Do you know anything about what the accepted level for PCBs would be in surface soils or groundwater or in the atmosphere?
A. You don't know what I read.
Q. What have you read about that?
A. Just what's come out, you know, nothing specific.
Q. Do you have any understanding as to what the accepted level of PCBs in surface soils is in residential areas under EPA guidelines?
A. I mean, I can't quote them, but I know the TSCA regs and levels TSCA has

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established for high frequency and low frequency occupation. I know what EPA has -- I've read what EPA has put out in their risk assessment including the consent decree.
Q. Do you know anything about evaluating levels of contamination in air?
MR. CLARK: Object to the form.
A. No.
Q. Or remediating airborne contamination, do you have any expertise in that area?
MR. CLARK: Object to the form.
A. No expertise.
Q. Do you have any experience or expertise in the area of designing environmental controls for industry?
A. Can you be more specific?
Q. Waste water, or effluent controls, scrubbers for airborne emissions, anything like that that are environmental controls for industries?

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A. I'm very limited to none.
Q. Were you finished with your answer?
A. Yes, very limited to none.
Q. To none, is that what you said?
A. Yes.
Q. I just didn't hear the last part. It looks to me like you went straight through school, is that right, your undergraduate and graduate work?
A. No, I did not.
Q. What did you do in the middle?
A. I worked for, I'm estimating a year and half, at a geotechnical engineering company.

15 Q. What was the name of that company?
16 A. They are now Corp Properties. They
17 used to be Atlanta Testing and
18 Engineering.
19 Q. I see. And that's where you worked
20 from 1989 to 1990?
21 A. That's correct.
22 Q. And it looks to me like your
23 experience there was essentially in the


1 area of construction; is that right?
2 A. Foundation and construction.
3 Q. Was there any environmental aspect
4 to the work you did for what was then
5 called Atlanta Testing and Engineering?
6 A. Very little.
7 Q. Was there any?
8 A. I don't recall.
9 Q. Okay. What was your first job after
10 you got your graduate degree?
11 A. Golder.
12 Q. Okay, and you have been there ever
13 since?
14 A. No.
15 Q. How long were you at Golder the
16 first time?
17 A. Can I just explain it?
18 Q. Sure.
19 A. I've been there pretty much the
20 whole time. I quit once to go do some
21 graduate work and then I worked for a
22 subsidiary of Golder for about -- gosh, I
23 forget how long, it was about a year.

1 Q. Is this the thing called Golder
2 Sierra, LLC?
3 A. That's correct.
4 Q. And that's a Golder-affiliated
5 company as well?
6 A. Yes. At that time -- they're not
7 anymore -- at that time, they were, I
8 don't know, mostly owned by Golder. It
9 was a Golder subsidiary.
10 Q. And then you left to do some
11 business administration studies?
12 A. That's correct.
13 Q. Okay, did you get a degree?
14 A. No, I did not.
15 Q. And then attached to your CV is a
16 pretty extensive project-by-project list
17 of the principle things that you have
18 been involved with, I assume, most of
19 these while at Golder; is that right?

A. I think they're all at Golder.
Q. Tell me what -- they're in some sort of order, it appears to me, that is non-alphabetical. Can you tell me what
Page 32
your thinking was in putting these in the order that they're in?
A. They -- my guess is, at some point, I made the resume and I put them on there and, then, as I took on new projects, I -- like the most recent would be on top.
Q. Okay. So the reason that the Solutia project is on top is because that's the most recent project and that's what your currently working on; is that right?
A. That's correct.
Q. So these are basically in some sort of chronological, rough chronological order?
A. Give or take.
Q. Give or take. All right, fair enough.
A. Except for the ones in the back, the two superfund sites. Those were done over the year plus that I was with Geo Sierra or Golder Sierra.
Q. I see. What is Golder Associates?
Page 33
A. They're a consulting geotechnical environmental engineering firm.
Q. And they employee a team of professional engineers and other sorts of engineering people; right?
A. A combination of engineers and scientists, yes.
Q. And they typically provide services to various companies and charge for those services; right?
A. Say that again.
Q. In other words, your clients are typical industries, is that right, Golder's clients are?
A. Not necessarily.
Q. Does Golder do any work for the government?
A. Yes.
Q. And which branches of the government does it do work for?
A. A lot of local government, counties, municipalities, and state government, DOTs, Department of

1 Transportation, and the federal
2 government as well.
3 Q. Which branches of the federal
4 government does Golder do work for?
5 A. Not much out of Atlanta, I don't
6 believe. I'm not certain. The
7 Department of Energy, I know.
8 Q. Does Golder do any environmental
9 consulting work for the Environmental
10 Protection Agency or any of the state
11 environmental regulatory agencies?
12 A. Yes.
13 Q. How many employees does Golder
14 have?
15 A. Worldwide, twenty -- I guess it
16 would be twenty-six hundred.
17 Q. How many offices are there?
18 A. I have, you know, no idea, thirty
19 maybe. That's a total guess.
20 Q. Does Golder just have the one office
21 in Atlanta that I visited?
22 A. Yes.
23 Q. How many employees are there?
Page 35
1 A. I think it's about ninety, but we've
2 got some accounting in there as well. I
3 don't think that ninety number includes
4 some of the U.S. accounting staff.
5 Q. Where is Golder's headquarters?
6 A. This will be a strange answer, but
7 it changes. I think now -- it's whoever
8 takes over as CEO, that becomes the
9 corporate headquarters and the current,
10 John Browning is out of Vancouver maybe
11 or Calgary, somewhere in Canada.
12 Q. Who owns Golder?
13 A. Golder is an employee-owned company.
14 Q. So are some of the employees
15 partners or shareholders in the
16 corporation?
17 A. Yes.
18 Q. Do you know, and it's fine if you
19 don't, what kind of business organization
20 Golder is? I mean, is it a partnership
21 or corporation or LLC?
22 A. It's incorporated.
23 Q. It's a corporation. And all of its
Page 36
1 shares are owned by the employees?
2 A. That's correct.
3 Q. Now, Golder has done some work for
4 what is now called Solutia, Incorporated;
5 correct?
6 A. That's correct.

Q. Do you know if Golder does any work for Pharmacia?
A. I do not know.
Q. Do you know if Golder does any work for what is now known as Monsanto?
A. I do not know.
Q. You haven't done any work for either Pharmacia, or the new Monsanto, have you?
MR. CLARK: Object to the form.
A. Not that I can recall.
Q. Who pays Golder's bills for the work that's being done at the Anniston site?
A. Are you talking about which company?
Q. Yes.
A. Solutia.

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Q. How much has Golder charged Solutia for the work at the Anniston site?
A. Over --
Q. Over the entire period of the projects.
A. I have no idea.
Q. How would you go about determining that number if you wanted to find that out?
A. Go to accounting and tell them to try to pull it up.
Q. Okay. How does Golder charge Solutia for the work that's being done at the Anniston PCB site?
A. Can you be a little more specific?
Q. Do you keep a time sheet?
A. That's correct.
Q. Do the other employees that work on the project keep a time sheet?
A. That's correct.
Q. And as the time accumulates at various hourly rates, are bills sent out?



Page 38

A. That's correct.
Q. Okay. What is your hourly rate?
A. Around one hundred ten.
Q. Is your hourly rate the highest hourly rate that's being charged to Solutia for the work that's being done to the Anniston PCB site?
A. No.
Q. Whose is?
A. Don's probably.
Q. Who's Don?

12 A. Oh, excuse me. Don Miller.
13 Q. What is his position?
14 A. He's a principle. I'm not sure what
15 his title is.
16 Q. What does principle mean? Mr.
17 Miller is the fellow out of Jacksonville?
18 A. That's correct.
19 Q. And in the context of Golder, tell
20 me what you mean by principle.
21 A. There's a principle and associate
22 structure and it has to do with the
23 ownership program and also just
Page 39
1 recognition within the company.
2 Q. And are you at the associate level
3 or the principle level?
4 A. Below on both.
5 Q. What?
6 A. Neither.
7 Q. I'm sorry, you're confusing me.
8 Both or neither?
9 A. I said below both, but I meant
10 neither.
11 Q. I see. I take it that there is a
12 team of people who work on the Solutia
13 Anniston PCB project; is that right?
14 A. There are, you know, a handful of
15 people who work on it pretty steadily.
16 Q. And that is you and the --
17 MR. CLARK: Let him finish his
18 answer.
19 Q. I'm sorry, go ahead.
20 A. There's a handful of people that
21 work on it pretty steadily and then, you
22 know, on an as-needed basis, we can bring
23 other people in.
Page 40
1 Q. Who is in charge of the project at
2 Golder?
3 A. We don't necessarily have a person
4 in charge. I handle most of the
5 administration and coordination and then
6 depending on what's needed, different
7 people will be, you know, brought in to
8 work on it.
9 Q. Who do you report to?
10 A. I report to Terry McClain is our
11 manager. Jim Renner is my group leader.
12 Q. Does Mr. McClain or Mr. Renner, are
13 either one of those involved in the
14 Monsanto PCB project, I'm sorry, Solutia?
15 A. Mr. McClain is not. Renner, I know
16 he's worked on it before. I can't recall
17 when he's last been involved.

18 Q. Inside of Golder, is this considered
19 to be your project or your client?
20 A. My -- from the business end, I am
21 the project manager, that's correct.
22 Q. Were you the person that brought
23 this piece of business into Golder?
Page 41
1 A. No.
2 Q. Who was that?
3 A. It was eight years before I was
4 involved, so I don't know.
5 Q. When was Golder first involved in
6 the Anniston PCB project?
7 A. I don't know the exact date but,
8 early-nineties maybe, early- to
9 mid-nineties.
10 Q. Your first involvement in it was in
11 1999; is that right?
12 A. I'm going to say about three years
13 ago.
14 Q. So sometime in '99 or maybe 2000?
15 A. Let me back up. Yeah, it would have
16 been -- should be sometime in 2000.
17 Q. It may seem like I'm going at this a
18 little bit backward, but before I talked
19 about what your experience is, just so
20 that we don't spend all day talking about
21 your experience, I want to kind of get an
22 idea in general terms of what you have
23 done on the Anniston PCB project since
11 (Pages 38 to 41)
Page 42
1 you became involved in it in 2000.
2 A. Just a description of --
3 Q. Just tell me what you have done and
4 what your duties have been with regard to
5 that project since you became involved
6 with it.
7 A. Let's see, I started off -- like I
8 said, I'm guessing about three years ago,
9 and at that time, I started off working
10 on -- I worked some on the Oxford Lake
11 Softball Complex and the Choccolocco
12 Creek Waste Water Treatment Plant and I
13 kind of helped coordinate those
14 projects. And then I worked on -- when
15 the administrative order on consent was
16 signed, I started working on some of the
17 residential sampling work.
18 And then at that point, I took
19 about a year and did something completely
20 different, not related to Solutia at all
21 and about fifteen, sixteen months ago,
22 I'm guessing again, somewhere in that

23 neighborhood, I started working on the
Page 43
1 project again. And at some point, nine,
2 ten months, I can't remember, say about a
3 year ago, I took over as like the
4 coordinator for the project and since
5 that time, I mean we've done a variety of
6 -- mainly, what I've been probably the
7 closest involved with has been the
8 Choccolocco Creek Waste Water Treatment
9 Plant.
10 Q. The waste water treatment plant?
11 A. Yes, and involved with the work plan
12 preparation for the -- under the consent
13 decree for the residential, again, kind
14 of continuing with the residential area.
15 Q. Okay. Now, in the five or six or
16 seven or eight months or so it was after
17 you came back to work on the Solutia
18 project, but before you became the
19 coordinator, what were you working on?
20 A. Let's see. It probably wasn't quite
21 that long. Like I said, I can't remember
22 exactly what the time frames are. I had
23 gotten involved in some of the
Page 44
1 residential work again.
2 Q. Okay, and I'm trying to define
3 things here so if you could just bear
4 with me and we're going to try to pin
5 this down as well as we can. The things
6 that you have been involved with, as I
7 understand it, with the Solutia PCB
8 project is, number one, with the Oxford
9 Lake Softball Complex remediation?
10 A. That's correct.
11 Q. The Choccolocco Creek Waste Water
12 Treatment Plant remediation?
13 A. That is correct.
14 Q. And the residential sampling of
15 residential properties that was done
16 first, under the administrative order of
17 consent and then preparatory work that
18 you have done to do the same kind of work
19 under the consent degree; is that right?
20 A. That is correct.
21 Q. And have you been involved in any
22 other aspect of any work done at the PCB
23 site in Anniston?
Page 45
1 A. Yes.
2 Q. Tell me what that has been.
3 A. It's in varying degrees though. I
4 mean it's --

Q. Just give me a list of what the subject matters are and then we'll talk about what your personal involvement was and then to what extent it was.
A. I'll see what I can recall here. Now, we do groundwater work out there. We did an O&M plan.
Q. O&M?
A. Operations and maintenance plan.
Q. Without giving me a whole lot of detail, tell me what that means.
A. That's just helping their plant people on inspecting like covers and --
Q. You did an operations and maintenance plan; is that what you said?
A. Yes.
Q. I thought you said plant.
A. No. It's like an inspection for them to inspect things.





Q. Okay, what else?
A. I'm involved in, you know, a lot of the database, data management and the maps and stuff that are produced. Those are all kind of parts of the other projects, I guess.
Q. What else?
A. That's all I recall at this time.
Q. Do you know you of any work other than the six or so things that you have told me about that Golder has done at the PCB Anniston site, and I'm talking about things that you know that they did that might predate your involvement or things that they've done that, maybe while you're involved, but you just personally haven't been involved at all?
A. Yes.
Q. What are those things?
A. Let me see here. They did work on the closure for the west end landfill. I know we worked on the storm water diversion project, but I really don't



know specifically what our role was. Do you know about the storm water diversion?
Q. Yes, isn't that where you divert the storm water off of the south landfill?
A. Yes, that's correct.
Q. What else?
A. I don't know what role we had in, if we had a role -- we might have had a role in some of the capping for the south

10 landfill, but I'm thinking not, but I'm
11 not sure.
12 Q. Okay, anything else?
13 A. Not that I recall right now.
14 Q. Okay. All right, now let's go back
15 to your resume. What is an iron reactive
16 permeable barrier?
17 A. An iron reactive permeable barrier
18 is a way of treatment of groundwater.
19 Q. Is that something that's been done,
20 to your knowledge, at Anniston?
21 A. No.
22 Q. Is that something -- in what
23 circumstances would you put in an iron
Page 48
1 reactive permeable barrier as a treatment
2 system?
3 A. It can be used for a variety of
4 things, but the most common would be the
5 PC chlorinated solvents, biphenyl
6 chloride.
7 Q. Is that method used for the
8 treatment of water that's contaminated
9 with PCBs or parathon?
10 A. I doubt PCBs. Let me preface this
11 with it's a new emerging technology, so
12 the literature changes fairly frequently
13 on what -- it increases on what it can
14 treat. Can it do parathon, I don't know.
15 Q. Has an iron reactive permeable
16 barrier treatment system been recommended
17 to Solutia at Anniston?
18 A. Not that I'm aware of.
19 Q. Talking about the Cyprus Foote's
20 Harper's Cave Superfund Site, what was
21 your involvement in that?
22 A. Actually, there were two of them.
23 They went hand in hand. The Dante site
Page 49
1 and Harper's Cave site went hand in hand.
2 What I did I do? I was younger and I
3 helped out on some of the design. I
4 helped out with some of the groundwater
5 monitoring wells, things like that.
6 Q. Was this a project that was done in
7 connection with an EPA-ordered cleanup?
8 A. All I remember is it was ordered by
9 somebody. I can't remember if it was EPA
10 or if it was possibly the Tennessee --
11 let me change that. I think it was
12 ordered by somebody, but I can't remember
13 and if it was, it was -- I'm guessing
14 Tennessee, but I'm not positive.
15 Q. Okay. You were not in charge of

16 that project?
17 A. No, that's correct.
18 Q. What was your involvement in the
19 Harrison County Sanitary Landfill
20 project?
21 A. I was a design engineer.
22 Q. And that was simply designing a
23 brand new solid waste disposal facility

Page 50
1 from scratch; right?
2 A. That's correct.
3 Q. This was not a remediation project?
4 A. That's correct.
5 Q. And then Lake County Recycling and
6 Disposal Facility, what was your
7 involvement in that?
8 A. I was a design engineer.
9 Q. And you were designing a Subtitle D
10 landfill closure project; is that right?
11 A. That's correct.
12 Q. Was this originally a Subtitle D
13 landfill or was it an old style dump that
14 was being converted to Subtitle D and
15 closed?
16 A. I'm fairly sure it was an older
17 landfill that was being closed under
18 Subtitle -- let me look at the year. I
19 don't have the years. Probably an older
20 landfill that was closed under Subtitle
21 D.
22 Q. What was your involvement in the
23 Whitefeather Landfill project?
Page 51
1 A. I was CQA engineer.
2 Q. What is CQA?
3 A. Construction quality assurance.
4 Q. Was this a new solid waste facility
5 or an older one?
6 A. It was an active one, but I was out
7 there installing a cell or building a
8 cell, a new cell.
9 Q. So you were putting a clay liner for
10 a new cell?
11 A. Yes, clay and synthetics.
12 Q. Then you did the same type of work
13 at the Oakridge Landfill; is that right?
14 A. Yes, that's correct.
15 Q. And we've already talked about what
16 you did at Cyprus Foote's Dante Superfund
17 Site, that was really the same thing as
18 Cyprus Foote's Harper's Cave Superfund
19 Site, it went hand in hand; right?
20 A. That's correct, they were two sites

21 that were -- they disposed of the wastes
22 in two different places.
23 Q. Now, the work that you did for MARTA
Page 52
1 was not environmental in nature at all,
2 was it?
3 A. No, that was strictly geotechnical
4 engineering.
5 Q. The Mill Branch Creek Water Storage
6 Impoundment, was that an environmental
7 project or was that just a dam?
8 A. Dam design.
9 Q. You did some work for the Oak Grove
10 Sanitary Landfill in Georgia. What was
11 that work?
12 A. Design engineer.
13 Q. What kind of work were you doing?
14 A. Designing of liners, caps, and
15 things like that.
16 Q. You did some work for Dry Branch
17 Kaolin Company Impoundment. What was the
18 was the nature of that project?
19 A. It was basically dam design.
20 Q. What is a tailings pond?
21 A. It's a reject from the kaolin
22 processing.
23 Q. Explain that some more.
Page 53
1 Q. They mine kaolin which is --
2 Q. Back up. What is kaolin?
3 A. It's dirt. I mean, it's chalk in
4 the ground. It's a dirt and it's a chalk
5 and they mine it. They basically just
6 open-pit excavate it and they process it
7 to make the shine -- it goes in
8 Kaopectate, the shiny stuff in newspapers
9 and magazines, all that good stuff. And
10 all the off-speck dirt basically that
11 doesn't meet the quality they need goes
12 into a tailings pond.
13 Q. I see.
14 A. And you have got to build a dam to
15 hold the tailing and water back.
16 Q. Then you were involved in building a
17 water supply reservoir at Haig Mill Dam;
18 right?
19 A. That's correct.
20 Q. That was not an environmental
21 project, that was a construction project;
22 right?
23 A. That's correct.
14 (Pages 50 to 53)
Page 54
1 Q. The same kind of thing for the River

2 Road Reservoir, you're building a
3 reservoir and not doing environmental
4 work there; right?
5 A. That's correct.
6 Q. And you did some additional work
7 designing covers for an existing
8 landfill. Is that Shuen Wan?
9 A. Shuen Wan.
10 Q. Shuen Wan; is that right?
11 A. That was a combination of geotech
12 and environmental.
13 Q. You were trying to close a landfill
14 so as to prevent the escape of leachate?
15 A. Close it and groundwater extraction,
16 things like that.
17 Q. Tell me what you did for the DeKalb
18 County waste remediation.
19 A. Let's see. I was project manager
20 for the project.
21 Q. What was the nature of the project?
22 A. It was a -- how many acres? I don't
23 know, approximately an eight-acre
Page 55
1 abandoned dump site that was discovered
2 and, you know, there were no records,
3 nothing on it, and it was a year-plus
4 project. We went in and did all the
5 investigations, test pits, took samples,
6 put wells in, tested for groundwater,
7 came up -- worked under ISRA, the Georgia
8 superfund program, worked under ISRA and
9 came up with -- it was a voluntary
10 cleanup done under ISRA and we you know,
11 came up with the remediation plan and
12 basically implemented it and we didn't
13 have a contract directly to do that.
14 DeKalb County hired a contractor and then
15 we did all the project administration
16 during construction.
17 Q. The bottom line was that it was an
18 illegal dump and all of the illegally
19 dumped material was dug up and hauled
20 away to a Subtitle D landfill; is that
21 right?
22 A. Well, no, some of it went a mill.
23 Q. Some of it was toxic or hazardous?
Page 56
1 A. Yeah, it was a limited amount, but
2 there was, you know, we did all the
3 sampling and everything, monitoring
4 during construction and a certain amount
5 of it got segregated out and ended up
6 down in the mill.
7 Q. The work you did for the reservoir

at DeKalb County, that was not an environmental project that was another geotechnical project or reservoir?
A. That was a dam design.
Q. Then you went to Croatia?
A. I didn't go there. Well, I took a trip there, but we did it in Atlanta.
Q. And this was a redesign of a landfill?
A. Yeah, it was a --
Q. It's looks like a mess.
A. It was a mess. That's exactly what it was. It was a bunch of garbage right on the side of a river and who knows what was there and it was to excavate that material and stage it and build a new

Page 57

cell in its old footprint, but then you have got to do it in stages and address gas and groundwater and everything else that goes with it and at the end cover it all up.
Q. Was that the project you were working on immediately before you became involved in the Solutia project?
A. No, actually, that project is not on my resume. The one in between was permeated power plants.
Q. For who?
A. The main one I worked on was for a developer and in conjunction with Merit.
Q. All right, why don't we take ten minutes?
(Whereupon, a short recess was taken at this time.)
Q. I think you told me that the first thing you did for Solutia on the Anniston PCB site was the Oxford Lake Softball Complex remediation; is that right?
A. No, that wasn't the first, actually.



Page 58

Q. What was the first?
A. We did a feasibility study.
Q. For what?
A. For a landfill area.
Q. For a landfill area?
A. Yes.
Q. What kind of landfill area?
A. TSCA landfill area.
Q. Was it for the construction of a new landfill, a new cell?
A. It was looking at possible locations.

13 Q. Was anything ever done with regard
14 to that feasibility study?
15 A. Oh, no, we did it and that was it.
16 Q. Do you know why Solutia was wanting
17 that work done or why they had requested
18 that feasibility study?
19 A. No, I do not.
20 Q. And the next thing you did was the
21 Oxford Lake Softball Complex?
22 A. I believe so.
23 Q. What was done?
Page 59
1 A. At Oxford?
2 Q. Yes.
3 A. They dug up the softball fields --
4 Q. Go ahead.
5 A. -- and replaced it with clean fill
6 and then they dug up the softball fields
7 and put clean fill on only three of the
8 fields. Then they put a parking lot.
9 They placed the soil they dug up and
10 capped and covered it with a parking lot.
11 Q. I see. Were you involved in the
12 testing of the soil prior to the
13 remediation?
14 A. Not specifically.
15 Q. Was Golder involved in that
16 testing?
17 A. No, Golder didn't. Golder didn't do
18 the testing. We summarized some of the
19 results in the report.
20 Q. Do you know whether the data from
21 the testing at Oxford Lake wound up in
22 the computer database that Golder
23 maintains?
Page 60
1 A. The data, yes.
2 Q. As I understand it, the three
3 softball fields were dug up, the dirt was
4 moved over to another place inside the
5 same complex and then was covered and
6 capped with a parking lot?
7 A. That's correct.
8 Q. Was any of the dirt, to your
9 knowledge, in excess of fifty parts per
10 million of PCBs?
11 A. Some of the material was hauled to a
12 mill, but I'm not certain if it was plus
13 fifty or if it was, you know, I'm not
14 sure what the cutoff was, if it was plus
15 forty or plus forty-five or something
16 like that.
17 Q. Okay. So some of the material was
18 hauled off as hazardous waste; right?

19 MR. CLARK: Object to the
20 form.
21 A. You know, I really don't want to get
22 caught up in the definition of -- some of
23 it was hauled to a mill.
Page 61
1 Q. And it was hauled to a mill because
2 the levels of PCBs in that particular
3 dirt as opposed to the levels of PCBs in
4 the dirt that was moved and placed and
5 covered and capped; right?
6 MR. CLARK: Object to the form.
7 A. Say that one more time.
8 Q. The reason some of the dirt was
9 hauled to a mill was because of elevated
10 PCBs compared to the level of PCBs in the
11 other dirt?
12 A. That's correct.
13 Q. Regardless of what the cutoff was
14 for whether it should be deemed to be
15 hazardous waste or whatever, the reason
16 this particular dirt was hauled to a mill
17 was because it contained some elevated
18 levels of PCBs?
19 A. That's correct.
20 Q. The rest of the dirt which, I take
21 it, a vast majority of the dirt was left
22 onsite and covered and capped?
23 A. That's correct.
16 (Pages 58 to 61)
Page 62
1 Q. And you consider that to be an
2 adequate remediation for that part of the
3 remediation of Oxford Lake Softball
4 Complex?
5 A. Yes.
6 Q. Did you do any studies to determine
7 whether that particular remediation had
8 any danger of leaching into surface
9 water?
10 A. Not that I recall.
11 Q. Did anybody, to your knowledge, do
12 any studies to determine whether the
13 remediation of that dirt, i.e., leaving
14 it in place and covering it and capping
15 it would present a danger of leaching
16 into surface water?
17 A. Not that I'm aware of.
18 Q. Did Golder or you perform any
19 studies or investigation to determine
20 whether that remediation presented any
21 danger of leaching into groundwater?
22 A. I'm confused. I thought that's what
23 you just said.

Page 63
1 Q. No, I said surface water. My first
2 question, just to make sure that the
3 record is clear, I was asking you about
4 surface water. Now, I'm asking you about
5 groundwater.
6 A. Not that I'm aware of.
7 Q. Do you know if anybody did any
8 investigation or analysis to determine
9 whether this particular remediation
10 contained any danger of leaching of PCBs
11 into the groundwater?
12 A. Not that I'm aware of.
13 Q. Did Golder do any studies to
14 determine whether this particular
15 remediation left any danger of the PCBs
16 that were covered and capped becoming a
17 source of airborne pollution?
18 A. Not that I'm aware of.
19 Q. Did anybody do such an analysis or
20 investigation to your knowledge?
21 A. Not that I'm aware of.
22 Q. Was anything else done at the Oxford
23 Lake Softball Complex other than what you
Page 64
1 have told me?
2 A. Yeah, there's been some -- there was
3 some additional work done when I was
4 involved with the project.
5 Q. What was that additional work that
6 was done?
7 A. They capped some of the other areas.
8 Actually, they built a tennis court for
9 the City of Oxford and a parking lot with
10 the tennis courts and I believe there's a
11 small building -- there's a small
12 building out there as well and then they
13 put a soil cap over portions of it as
14 well.
15 Q. All right, we're going to have to
16 talk about that for a minute because you
17 just told me a lot of things and I'm not
18 sure I understood.
19 A. Okay.
20 Q. Okay, the original work that was
21 done, as I understand it, was the removal
22 of the soil at the surface of three of
23 the softball fields?
Page 65
1 A. That's correct.
2 Q. Was it later discovered that there
3 were additional PCB-contaminated soils in
4 the complex other than what had already
5 been removed and covered and capped and

6 sent to a mill?
7 A. No, it was in an area that was
8 fenced off.
9 Q. Okay, so the original remediation
10 work was done just in the public area of
11 the softball fields, but there was
12 another area that was left for some
13 period of time with PCB contamination
14 that was fenced off?
15 MR. CLARK: Object to the form.
16 A. That's correct.
17 Q. Do you know when Monsanto discovered
18 that the fenced off area had been --
19 well, let me make sure I'm responding to
20 Mr. Clark's objections over here. That
21 fenced-off area contained
22 PCB-contaminated soils; right?
23 A. That's correct.


1 Q. That's why you did the remediation?
2 A. That's correct.
3 Q. When was that discovered by Monsanto
4 or Solutia?
5 A. Dates, I do not know, but it was the
6 same time as the softball fields.
7 Q. How long after the softball field
8 remediation was this second phase of
9 remediation work?
10 A. I don't recall the time frame. They
11 did the softball fields, they did the
12 parking lot, and they did the tennis
13 courts.
14 Q. Okay, and the parking lot, is that
15 the parking lot that they built on top of
16 the soil that was removed from the three
17 softball fields?
18 A. That's correct, and there was
19 another parking lot that was part of the
20 cover that went along with the tennis
21 courts.
22 Q. And were the tennis courts built on
23 this area that had previously been fenced

1 in?
2 A. That's correct.
3 Q. And so what happened was before you
4 could build the tennis courts on this
5 area, there needed to be a remediation
6 because of the PCB contamination in the
7 soils?
8 A. No. The tennis courts and parking
9 lot were approved covers for interim
10 measure.

Q. I see. So what happened is that a parking lot and a tennis court was built on top of dirt that was known to be contaminated with PCBs?
A. Yes.
Q. And before the parking lot and tennis court were put on top of it, was there any additional cover put on top of those PCB-contaminated materials or dirt?
A. You know, for the tennis courts and for -- I can tell you for the original parking lot, but for the tennis courts and the other parking lot, I don't know.

Page 68

Q. What about for the original parking lot?
A. I'm trying to remember what the design was. I mean, there was graded aggregate base underneath the parking lot and I don't recall -- I mean, geotech style, I don't recall exactly what the cross-section was.
Q. Was there any other remediation done at this Oxford Lake Softball Complex other than the three softball fields, the first parking lot, and then the building of the tennis courts and the second parking lot on top of another contaminated area?
A. The softball fields, the parking lot, the other parking lot, the tennis courts, the building, and then parts of the -- other parts that were fenced in received a soil cover.
Q. Okay.
A. Can I qualify something I said earlier?

Page 69

Q. Sure.
A. When you asked me if it was an adequate remedy, remember these right now were just interim measures. They were done as interim measures and I qualify that as being an adequate interim measure for the parking lot. I'm not -- I don't have the background to tell you whether or not it's an adequate final measure for it.
Q. Fair enough. Do you know whether, as part of all of these interim measures that you're talking about, whether there was any investigation with regard to any of the Oxford Lake Softball Complex as to whether they would remain a threat of

17 being a source of surface water,
18 groundwater, or airborne PCB
19 contamination?
20 A. Not that I'm aware of.
21 Q. And you're not aware of any done by
22 Golder or anybody else?
23 A. That's correct.

Page 70
1 Q. Okay. Is there any other work that
2 you were involved in or that you know
3 about at the Oxford Lake Softball Complex
4 other than what you have told me?
5 A. That's all I recall.
6 Q. And the next thing you have told me
7 about was you did some work at the
8 Choccolocco Waste Water Treatment Plant;
9 right?
10 A. That's correct.
11 Q. Tell me, in layman's terms, what the
12 Choccolocco Waster Water Treatment Plant
13 is.
14 A. In regards to Solutia or just what
15 -- I mean --
16 Q. Just tell me what it is.
17 A. It's owned by the City of Anniston
18 and it treats the waste water from the
19 City of Anniston and discharges the
20 effluent into Choccolocco Creek.
21 Q. I see.
22 A. Or maybe -- it's right at the
23 junction. It may discharge into Snow
Page 71
1 Creek, but it's right there at the
2 junction of Snow and Choccolocco Creek.
3 Q. And is this the waste water
4 treatment plant that is -- you can see it
5 from I-20?
6 A. It's right there.
7 Q. In other words, it's owned by the
8 City of Oxford, but it's actually in -- I
9 mean owned by the City of Anniston, but
10 it's in Oxford? Is that the one that
11 we're talking about?
12 A. That's correct.
13 Q. And as I understand it, there was
14 some dirt that was dug up out of one of
15 the sewage drying pits or whatever they
16 call those things; is that right?
17 A. They were expanding the waste water
18 treatment plant so they were building --
19 what are they, aerators? I think they're
20 aerators. I'm not sure what structures
21 they were, but they were building some

22 new underground structures and that's
23 where all the excavated soil came from.
Page 72
1 Q. And the excavated soil was on the
2 other side of the creek; right?
3 A. No, it was on the same side of the
4 creek as the waste water treatment plant.
5 Q. Where is that soil now?
6 A. Now, it's on the other side of the
7 creek.
8 Q. Who moved it there?
9 A. What's the name of the contractor?
10 Is it Harva -- again, it was a contractor
11 that worked for the City of Anniston.
12 Q. As I understand it, that dirt was
13 moved over further away from the creek,
14 but on the other side and then tarped in
15 place; is that right?
16 A. All that's correct except for I
17 wouldn't exactly say further away from
18 the creek.
19 Q. What was the purpose of moving it
20 there?
21 A. The design for the waste water
22 treatment plant, from what I recall, that
23 was their stockpile location to
Page 73
1 stockpile, basically, extra fill
2 material.
3 Q. Has any other work been done out
4 there other than moving the
5 PCB-contaminated dirt across the creek?
6 A. Yes, they've -- now, again, we're
7 going into some areas that I wasn't
8 involved with.
9 Q. I'm just asking you about what you
10 know. Just tell me what you know about
11 it.
12 A. There were several structures that
13 they were building out there and one of
14 them was a headwork structure that they
15 went ahead and built and Solutia worked
16 with them to help them manage the
17 excavation of some of the dirt.
18 Q. I head what structure?
19 A. A headwork.
20 Q. What is that?
21 A. It's where all the pipes come in off
22 the street. It routes the water to the
23 different parts of the treatment plant.
19 (Pages 70 to 73)
Page 74
1 Q. And did that have anything to do
2 with the contaminated soil, that

project?
MR. CLARK: Object to the form.
A. Did that have anything to do with the contaminated -- you mean anything to do with the stockpile?
Q. Yes.
A. At that point, no. I mean the stockpile was over there and it was -- the headwork -- at that point, the stockpile was on the side of creek away from the water treatment plant and the headworks building was right up on the road.
Q. I'm sorry, I may not be understanding you. How does that relate to the PCB contamination problem?
MR. CLARK: Object to the form.
A. How does that -- how does what, I'm sorry?
Q. The headworks project that you were

Page 75

just telling me about.
A. Where they were excavating in an area that had potential soils containing potential PCBs.
Q. I see. What other work was done by Golder or otherwise at Monsanto's direction at the Choccolocco Waste Water Treatment Plant?
MR. CLARK: Object to the form.
A. The two main pieces of work that I'm aware of is there was investigation done by U.R.S., I think, and that was used to -- trying to come up with a way to keep the construction going or actually, let me take that back. They needed the information because the plant -- Anniston still has to expand, so they're working on that. And then the piece of work that we've done that I've been mostly involved with is the designing a cap and cover system for the soil that's not stockpiled on the other side of Snow Creek.
Q. Has there been any consideration

Page 76

made of hauling the contaminated dirt away?
A. I wasn't -- when I was gone, that's when they did -- the period I wasn't involved with Solutia was a period when they went through the corrective measure study with ADEM and decided on a -- and then ADEM selected a remedy.

9 Q. And so that's a project that has not
10 been undertaken yet; right?
11 A. We've done the design for it.
12 Q. When I said project, I mean the work
13 hasn't been done?
14 A. That's correct.
15 Q. It's still out there with the tarp
16 over the top of it?
17 A. That is correct.
18 Q. And that's really the only
19 remediation that's been done is to move
20 it to where it is now and then to put a
21 tarp over the top?
22 A. I wouldn't -- I mean --
23 Q. You wouldn't even consider that to
Page 77
1 be remediation?
2 A. Right, and the moving to where it is
3 now, that definitely wasn't part of the
4 remediation. I mean the contractor put
5 it over there.
6 Q. Putting a tarp over the top of this
7 is not even, sitting here right now, is
8 not an adequate interim measure to
9 prevent exposure of the environment to
10 further PCB contamination, is it?
11 A. They've done more. They put a tarp
12 over it and they put a silk fence around
13 it as well. For an interim measure, I'm
14 not sure.
15 Q. Let's talk about the residential
16 sampling program. Now, there's been two
17 phases of that as I understand it. One
18 was under the administrative order of
19 consent and then there's been a second
20 phase of residential sampling that you're
21 going to do if the consent decree is
22 entered; is that accurate?
23 A. Yeah, but I mean they are
20 (Pages 74 to 77)
Page 78
1 continuous.
2 Q. They're continuous and there's
3 continuous project going on to do that
4 sampling; right?
5 A. Yes, and it's still ongoing.
6 Q. It's still ongoing sitting here
7 today?
8 A. Yes.
9 Q. And as I understand it, essentially,
10 what that project consists of is that
11 Monsanto is trying to sample all of the
12 residential parcels that are in the flood
13 plain of Snow Creek and the Monsanto

ditches to determine whether and to what extent there's PCB contamination in the surface soil of those properties; is that right?
MR. CLARK: Object to the form.
A. There's been a lot of sampling done. I wouldn't consider it limited to the drainage areas.
Q. Okay. You think there was some sampling done outside. Is there a

Page 79

particular design of what sampling -- what the goal is for sampling, what parcels they want to sample?
A. The initial goal for sampling was spelled out by EPA in the AOC as far as sampling within different zones and the spilling out starting at the drainage ways and working outward and that's what the, as far as I know, is what the goal is.
Q. I'm going to show you, so we'll have a better way of talking about all this -- now, I'm not going to mark this because I'm going to take it back with me and it's too important, so let's just for the record, identify this and make sure we know what we're talking about. This is a copy of a document that I got from Golder in the June 27th document production and as I understand it, this is a draft of a map that was generated for Solutia and EPA by Golder Associates.
A. Correct.

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Q. And it was generated on April 16th of 2002; in other words, printed off of the system, then on a map printer; right?
A. Right.
Q. Okay. And this is probably as good a time as any for us to go through what this map contains. As I understand it, all of the sampling that has been done, soil sampling that has been done at the Anniston PCB plant is contained in a database that Golder maintains in Atlanta; right?
A. I wouldn't say all. I mean it's a pretty broad --
Q. What sampling, what soil sampling is there that you know of that would not be contained in the database?
A. I mean there's some, you know,

there's some stuff, some of the information like U.R.S. did down on the waste water treatment plant probably hasn't all been put in there. Some of

Page 81

the air sampling that -- some of that stuff that they do, the air sampling is not in there.
Q. But the soil sampling for the residential properties should be all in here; right?
A. That's correct.
Q. And the EPA has done composite sampling and some graft sampling and Golder has done some composite sampling; right?
A. That's correct.
Q. And additionally, there is data that you guys got from Mike Bonner's firm that was generated by the plaintiff's expert; right?
A. I don't know who Mike Bonner is.
Q. Is there any other soil testing data other than what's reflected here in the system?
A. Can I ask Kevin a question --
Q. Sure.
A. -- under attorney/client privilege?



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MR. CLARK: Do you need to step out in the hall?
THE WITNESS: Yeah, just a quick question.
(Whereupon, a brief discussion was held off the record.)
Q. As I understand it from a discussion that we had off the record that there is some additional data that was provided to you related to soil testing that is maintained in a separate database that was provided to you by Mr. Cox of the Lightfoot Franklin firm; is that right?
A. It was not provided to me.
Q. Provided to Golder?
A. Yes, I'm aware of some separate information that was provided to Golder from under, I guess it was Buddy Cox.
Q. Was that information put into some database?
A. The -- I believe it's in a database.
Q. Is that information capable of being displayed in a map format like this map

Page 83

1 that we're looking at right now?
2 A. With a fair bit of leg work.
3 Q. Right now, it's not in that
4 position?
5 A. No.
6 Q. Okay. Do you know how that database
7 is maintained, in what format?
8 A. Microsoft Access. Let me preface
9 that. I assume it's Microsoft Access.
10 Q. Do you know what the purpose was of
11 putting that information into a database
12 at Golder?
13 A. You know, I have no idea and I
14 really -- I don't know if it was -- let
15 me clarify it too. I don't know if it
16 was given to us in a database or if we
17 put it in.
18 Q. Have you been asked to do any work
19 with data since you got it?
20 MR. CLARK: Object to the
21 form.
22 A. I mean sometimes we'll -- if looking
23 up information on a property address,
Page 84
1 we'll check if that address is in that
2 database.
3 Q. All right, as I understand it, one
4 of the sources for the information on
5 this map, which a very detailed map and
6 it shows every single residential parcel
7 in the area is that this is a
8 digitization of the county tax maps; is
9 that right?
10 A. That is correct.
11 Q. Now, in the database, are all of the
12 individual owners of these properties,
13 their names tied into this database if
14 they can be displayed?
15 A. I know all of them within the zones
16 are.
17 Q. Which zones?
18 A. The city zones, 6, 2, 3, 1.
19 Q. Outside these zones, maybe not?
20 A. We didn't put the full records
21 outside the zones, but the owners may be
22 in there. As a matter of fact, the
23 owners probably are in there outside the
Page 85
1 zones.
2 Q. Inside the zones and maybe outside
3 the zones, if I wanted to display a
4 single person's name and I knew that
5 person's name, I could do that and print
6 a map with nothing highlighted on that

7 whole map except that person's property;
8 right?
9 A. Yes, assuming they didn't have
10 multiple properties or --
11 Q. If they did have multiple
12 properties, I could highlight all of
13 them, make them all be red or whatever;
14 right?
15 A. That's correct.
16 Q. Now, I do know in this database that
17 there's a field in the database for
18 litigant; right?
19 A. That is correct.
20 Q. Does that database distinguish
21 between whether a property owner is a
22 litigant in which particular lawsuit? In
23 other words, can you tell who is a


1 litigant in the Owens case versus the
2 Abernathy case versus the Tolbert case?
3 A. Yes, but it's only for properties
4 that we've tried to get access to. It's
5 not a global -- if we, you know, if
6 Solutia is looking to sample down here
7 (indicating on document), Buddy will do a
8 litigant check and because under the OAC
9 and consent decree, they can't send the
10 letters directly to those people, so in
11 order to avoid it, you check them and see
12 if they are a litigant and then you
13 record that and send the letter to their
14 attorney.
15 Q. I guess the question, and you may
16 not have understood it, can you tell in
17 your database which lawsuit the person is
18 a plaintiff in or is a litigant in or can
19 you just tell from the database that they
20 are a litigant?
21 A. The ones that we have the
22 information, you can tell which lawsuit.
23 Q. As I understand, this blue area is

1 the flood plain, the ditches and Snow
2 Creek; right?
3 A. That's correct.
4 Q. And the sampling you have done has
5 been inside that area and outside that
6 area; right?
7 A. That's correct.
8 Q. And as of April 2002, this is
9 probably all of the testing that was
10 done, although if you did this same map
11 over again today, there would probably be

12 more?
13 A. That's correct.
14 Q. All right. Where are the sampling
15 efforts concentrated right now?
16 A. A lot of it is just focused on
17 trying to get access to the people that
18 haven't given us access yet and those
19 are, you know, some down here, I believe
20 some, you know (indicating document).
21 Q. In Zone 3?
22 A. In Zone 3. That part of Zone 1 --
23 Q. The western part of Zone 1?
Page 88
1 A. Yeah, the western part of Zone 1 was
2 eliminated from further sampling under
3 the AOC.
4 Q. Why is that? Do you know?
5 A. Because of the results that we came
6 up with. I mean it was through the EPA
7 under the AOC with ten as the action
8 limit.
9 Q. So in the serial database right now,
10 the testing that you have is the EPA
11 composite sampling, the EPA graft
12 sampling, and the Golder composite
13 sampling, and that's all the soil testing
14 that's in the serial database right now;
15 is that right?
16 A. No. I mean there's much more.
17 Q. Conducted by whom? Much more soil
18 testing?
19 A. That's correct.
20 Q. Conducted by whom?
21 A. I'm not even sure. I mean, like
22 down at Oxford Park, that stuff is in
23 there. You know, some stuff up around
Page 89
1 the plant site is in there.
2 Q. Oxford Park is not within the range
3 of that map, is it?
4 A. This piece actually goes down here,
5 and it's -- Oxford Park is over here
6 somewhere I think (indicating document).
7 Q. I see.
8 A. All the groundwater data, you know
9 is in the --
10 Q. Right, I know about the
11 groundwater. I'm talking about soil
12 testing right now.
13 A. I don't know if some of the waste
14 water treatment plant is in there yet or
15 not. Miscellaneous, you know some of the
16 stuff, you know, some of older stuff that
17 I wouldn't have a clue, you know, who did

it or when it was done.
Q. But as far as you know, if terms of the data that was generated by the plaintiffs that was sent to Monsanto's counsel, that information is just sitting in a Microsoft Access database and hasn't

Page 90
been linked to any digital maps or anything like that?
A. I mean they may have, you know, pulled some information and put it on a map and sent it over to Buddy, but you can't do it wholesale because it's linked to addresses, not to parcels.
Q. I see. This is all linked to tax identification parcels?
A. That's correct.
Q. But you also have addresses linked to those now too, don't you?
A. Yes, that's what I said. You could do it. You would just have to sit down and however many there were and manually pair them up and all that stuff and figure out what's what.
Q. So with some leg work, you could import that data into this database?
A. Correct.
Q. You would have to do it parcel by parcel?
A. That's correct.
Page 91
Q. Okay. Who is actually doing the soil sampling?
A. The residential soil sampling?
Q. Yes.
A. Golder and Genesis Project.
Q. What is Golder's role?
A. Golder's role, I'd say we're the prime consultant on the residential piece.
Q. Who's going out there and getting the samples?
A. A combination of Golder and Genesis Project.
Q. So there's Golder people out there going around to people's properties and getting dirt?
MR. CLARK: Object to the form.
A. Yes, Golder goes out and collects some of the samples.
Q. And Genesis, is that the other company?
A. Genesis Project.

23 Q. Genesis Project. Where are they
Page 92
1 based?
2 A. Atlanta.
3 Q. Are they related to Golder in any
4 way?
5 A. No.
6 Q. Have you worked with them before?
7 A. Only on the Solutia project.
8 Q. What kind of company are they?
9 A. Environmental consulting.
10 Q. And some other people at Golder have
11 been involved in some groundwater work or
12 have you been involved in that as well?
13 A. I'm involved to some degree.
14 Q. What is your involvement?
15 A. Project coordinator.
16 Q. What does that mean?
17 A. Coordinate, getting things done,
18 make sure the people are on it, and
19 handle a lot of business end of proposals
20 and stuff.
21 Q. And the work that's being done is
22 essentially monitoring wells; is that
23 right?
Page 93
1 A. Mostly involve the monitoring
2 wells. We've done a little bit of work
3 with the extraction system.
4 Q. What work have you done with the
5 extraction system?
6 A. Put in some new extraction wells.
7 Q. When did that work take place?
8 A. A rough estimate here, but I'm
9 guessing February, March.
10 Q. And the monitoring wells were
11 monitoring for the presence of what?
12 A. The monitoring wells monitor for the
13 -- I can't remember the list of COPCs.
14 Q. Is it a lot?
15 A. A lot as far as -- you mean number
16 of chemicals?
17 Q. Yes.
18 A. I'm guessing. I'm guessing,
19 including the metals, twenty-six,
20 twenty-seven total guess.
21 Q. Is PCBs one of the constituents of
22 the potential concern you're talking
23 about?
24 (Pages 90 to 93)
Page 94
1 A. That's correct.
2 Q. And parathon?
3 A. That's correct.

Q. Any other groundwater work that Golder has done for Monsanto that you know of or Solutia?
A. Other than dealing with the wells and the extraction wells, not that I'm aware of.
Q. You mentioned an operations and maintenance plan. What was that operations and maintenance of?
A. It was just -- it was taking their -- upgrading their existing plant. Operation and maintenance of -- I can't remember the formal title. I'm going to guess again, but I'm thinking it was interim measures. It was O&M of the interim measure out at the plant site. I mean that's what it had to do with. I can't remember what the formal title was.
Q. So it was interim measures at the plant site?

Page 95

A. That's correct. It did not --
Q. It didn't deal with Oxford Lake or Choccolocco?
A. Yes, it did. It's going to be -- it was the start of a more comprehensive O&M plan and the majority of it dealt with what was at the plant site and then we incorporated the stuff at Oxford Lake and that might have -- is it the only offsite one? That might have been the only offsite one that we included in there, but it was a majority of stuff around the plant site.
Q. The database and data managment you've done relates to this data that we've just discussed that's on this map?
A. It relates to all of it. I mean the groundwater, you've got the data. It comes in and goes out. You have got the residential, you know, data comes in, you know, so I mean it's -- to some degree, each project has a little bit of data, has some degree of data management in it.

Page 96

Q. Then Golder was involved in the closure on the west end landfill?
A. That's correct.
Q. But you didn't have any personal involvement in that; right?
A. That was well before my --
Q. You don't have any knowledge of that? You haven't researched that or anything like that, have you?

A. Well, I know a little bit about it.
I mean, obviously, you had to to certain
degree for the O&M plan and so forth to
know what the cover system and so forth
is, but that's about it.
Q. You weren't involved in the storm
water diversion project, were you?
A. No, I was not.
Q. And then you weren't even sure
whether Golder was involved with the
capping of the south end landfill or not
and you certainly weren't involved in
that personally; right?
A. That's correct.

Page 97

Q. Other than the soil removal, and
when I say -- well, not removal -- the
soil moving and leaving in place and
capping and covering at Oxford Lake, was
there any other -- has Golder been
involved in any other remediation of
PCB-contaminated soils as opposed to
testing and characterizing? I'm talking
about actually doing something to solve
the problem whether it's hauling it away
or capping it or whatever.
MR. CLARK: Object to the
form.
A. Which one did you say, other than
what?
Q. Other than Oxford Lake.
A. Certainly, west end landfill had a
component of cap and cover.
Q. Okay.
A. I'm sure the DCC project has --
well, let me rephrase that. I believe
the DCC project had some components of
cap and cover of some soils as well.
(Pages 94 to 97)

Page 98

Q. What is DCC?
A. That's the storm water diversion
project. I believe there is, I'm not
certain about that. And then around the
plant site, I believe we have been
involved in some cap and covers around
the plant site of the northside
properties. I mean that's contiguous to
the plant site and that had an element of
placing a cover.
Q. And Golder was involved in that?
A. I believe so. Let me just leave it
as I believe so, but I mean, I guess you
can debate whether that's a separate

thing or whether it's part of the plant site.
Q. Has Golder been involved in any soil removal or capping of PCB-contaminated soils of residents?
A. Yeah, I mean we're involved with some of the residential cleanups, you know, the -- I can't remember how many have been the removal under the AOC

Page 99

action have been completed, but I personally haven't been too involved with that. We wrote the work plan for it and, to some degree, we have been involved with that removal.
Q. Other than what you have told me about, do you have any knowledge about any other actions that Solutia or any of the other defendants have taken to deal with the PCB problem in terms of either removing PCB-contaminated soils or capping or have we covered everything that you know?
A. That's all I recall at this time. Can we take a short break?
Q. Sure.
(Whereupon, a brief recess was taken at this time.).
MR. NORRIS: Kevin, I assume that based on the sort of the haphazard way the documents have been produced in the case, if

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it happens there is something in all these documents that I have been provided that is so important that I want to ask this witness questions about that you guys are not going to have any objection if we agree or properly agree or maybe file a motion with the Court to conduct a follow-up deposition of the witness which we could obviously conduct by telephone, if necessary, to talk about any of these documents?
MR. CLARK: That is correct.
MR. NORRIS: Okay.

21 Q. Now, Mr. Moeller, when I went over
22 there on June 27th, the production that
23 was given to me consisted of a variety of
Page 101
1 different kinds of reports that were
2 prepared mostly for the government, but
3 some of them for Solutia, so I want to
4 just go through some of these categories
5 and just have you sort of give me a
6 general explanation as to what these
7 documents are.
8 A. Okay.
9 Q. And I think, and you check me if I'm
10 wrong, but this really covers a lot of
11 the actual work product that Golder did
12 for Solutia related to the Anniston PCB
13 site, and the first thing I want to talk
14 about are these documents. There's a
15 whole series of them that are called
16 Semiannual Groundwater Detection
17 Monitoring and Corrective Action Reports.
18 What are those?
19 A. Those are the -- those summarize the
20 semiannual groundwater monitoring.
21 Q. Is that required by something?
22 A. It's required under the RCRA permit.
23 Q. So that's something that you're
26 (Pages 98 to 101)
Page 102
1 doing through ADEM?
2 A. That is correct.
3 Q. Then there is a document that is
4 called a Report on Interim Measure
5 Workplan. What is that? This is back in
6 '97. You may not have had any
7 involvement with it. What is the Interim
8 Measure Workplan?
9 A. I don't know.
10 Q. Then there was about half a table
11 worth of these monthly documents called
12 Monthly Progress Reports Under the
13 Administrative Order of Consent. Now, I
14 understand that those were required under
15 the AOC; right?
16 A. Yes, that's correct. Those are the
17 monthly progress reports for the AOC.
18 Q. And Golder prepared those for
19 Monsanto or for Solutia; right?
20 A. That's correct.
21 Q. And I can look at those and pretty
22 much see on a resident-by-resident basis,
23 what residential soil sampling efforts
Page 103
1 have been made, whether it's actual

2 sampling or making efforts to get consent
3 or whatever; is that right?
4 A. Right. That has all the access
5 requirements and whether they gave us
6 access and whether it was sampled or not.
7 Q. So everything I ever wanted to know
8 about who you sampled and who you have
9 tried to sample through efforts to get
10 consent are contained in those monthly
11 progress reports?
12 A. That is correct. Let me --
13 everybody we try to sample under the AOC.
14 I mean there may be some other sampling
15 out there that I'm not aware of that's
16 not in that.
17 Q. What is a Nontime Critical Removal
18 Action Engineering Evaluation and Cost
19 Analysis Report?
20 A. That is the document required under
21 to consent decree for the -- that's an
22 evaluation of how to do the residential
23 removals or how to further address the
Page 104
1 residential properties.
2 Q. Is this phrase "Nontime Critical",
3 is that something out of the consent
4 decree?
5 A. It's a circle of terminology. It's
6 the difference between the time critical
7 and nontime critical.
8 Q. Based on your understanding of the
9 circle, what is the difference between
10 something that's time critical and
11 something that's nontime critical?
12 A. You know, I'm not that well-versed
13 in the circle to define this. I think
14 there is a criteria, but I don't know
15 what it is off the top of my head.
16 Q. Then you have done a great deal of
17 work, as I understand from these
18 documents, on the RCRA RFI; right?
19 A. The RCRA facility investigation and
20 confirmatory sampling.
21 Q. Right. And I ran across a document
22 that said it's -- called the Monsanto DCC
23 project and I wrote here that I don't
Page 105
1 know what DCC stands for and what you're
2 telling me is that has to do with the
3 storm water diversion project?
4 A. That's correct.
5 Q. What does DCC stand for?
6 A. You know, I do not know.
7 Q. You were involved in, and I think

we've talked about this, but the formal
document that had to do with this
Choccolocco Waste Water Treatment Plant
was this Corrective Measures
Implementation Work Plan Excavated Soils
Stockpile document; right?
A. That's correct.
Q. You just got finished with that a
few months ago?
A. Actually, it was -- I think it was
January or February.
Q. Who is Steph?
A. Steph?
Q. Yes.
A. Probably Stephanie Pitman. She's an
an admin assistant.


Q. What work has been done by Golder
related to the north side properties?
A. At the moment, nothing that I'm
aware of.
Q. As I understand, there was some
elevated PCB approximate levels found on
property there back in 2002.
A. A while back, we had done some --
I'm pretty sure we had done some sampling
up there and we might have developed an
interim measures plan to -- I'm not sure.
We've done something. I don't know what
it is. I don't remember exactly what it
was.
Q. Do you recall that there were some
PCB test results that were in excess of
three hundred parts per million?
A. No, I don't think they were that
high in the last round of sampling that
we did, but no, I wasn't aware of that.
Q. Now, the facility investigation and
confirmatory project, is that now over?
A. The final report has been issued and

approved by ADEM contingent upon doing
some additional work. The additional
work was completed earlier this year
under a supplemental RFICS work plan and
additional work was then summarized in a
supplemental RFICS report which was
submitted to ADEM and that's where it
stands right now.
MR. NORRIS: Is there going to
be any effort made at
trial to have this witness
testify as to his opinions

with regard to industrial practices or toxicity or the efficacy of the cleanup or anything else?
MR. CLARK: No.
MR. NORRIS: I don't have anything further. Thank you.
(The deposition of Steven J. Moeller, Volume I, was adjourned at approximately 1:10 p.m. on July 15, 2003.)

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* * * * * * * *
REPORTER'S CERTIFICATE
* * * * * * * *
STATE OF ALABAMA
COUNTY OF JEFFERSON
I, Angela Abbott Blankenship, Certified Shorthand Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that on July 15, 2003, pursuant to notice and stipulation on behalf of the Plaintiffs, I reported the deposition of STEVEN J. MOELLER, who was first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, in the matter of ANTONIA TOLBERT, et al., Plaintiffs, versus MONSANTO COMPANY, PHARAMACIA, INC. And SOLUTIA, INC., Defendants, Civil Action Number CV-01-C-1407-S, now pending in the United States District Court Northern District of Alabama, Southern Division, that the foregoing 107 typewritten pages contains a true and

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accurate transcription of the examination of said witness by counsel for the parties set out herein; that the reading and signing of said deposition was not waived by the witness and counsel for the parties.
I further certify that I am neither of kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.
This 29th day of July 2003.

_____
Angela Abbott Blankenship
Reporter and Notary Public
State of Alabama at Large

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